

Remarks

This response is to the Office Letter mailed in the above-referenced case on October 12, 2007.

Rejection under 35 U.S.C. 112

2. Claims 38-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Examiner's Rejection

Claim 38 recites "the first header portion indicating the first node as a source node and a second node in the VPN as a destination node". However, the specification only states the first header portion is associated with the source and destination nodes of the first subnetwork ([0019, 0023])

Applicant's Response

Applicant believes the specification clearly teaches the limitation of claim 38, reciting; "(a) at a first node in a virtual private network (VPN), using a first header portion of a data packet, the first header portion indicating the first node as a source node and a second node in the VPN as a destination node, generating a value associated with the source and destination nodes;"

"FIG. 5 is a schematic detailed block diagram of one embodiment of the IP header 305 added to the private network packet 300 to encapsulate the private network packet 300. The header 305 includes a source address portion 307 and a destination address

portion 308. Atypical IP header 305 includes 32 bits of source address 307 and 32 bits of destination address 308. The high-order portion 309 of the source address may for example be 24 bits long and is used to specify the encapsulating router, in this case, the router at node A. The low-order portion 311 of the source address 307 includes 8 bits and is typically used to specify the VPN, in this case, network X. The destination address 308 also includes a high order portion 313 including 24 bits as well as a low-order portion 315 which includes 8 bits. The high-order portion specifies the decapsulating router, in this case, the router at node F, and the low-order portion specifies the VPN, in this case, network X. Thus, in this example, for a packet going from X' to X", the high-order portion 309 of the source address 307 will be the prefix assigned to router A. The high-order portion 313 of the destination address 308 would be the prefix assigned to router F. The low-order portions 311, 315 of both addresses would specify VPN X." (page 12, line 19 to page 13, line 8)

As clearly understood above, the description reciting; "The low-order portions 311, 315 of both addresses would specify VPN X." The header includes both a source and destination address in the VPN. The address reflects a node location. As applicant has clearly shown said limitation of claim 38 in the specification, applicant believes the 112 rejection should be withdrawn.

Double Patenting

4. Claims 38 and 39 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2 and 3 respectively of U.S. Patent No. 6,643,287 '287'. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding claim 38, '287' claim 2 teaches (a) virtual private network 'VPN' (claim 2), using a first header portion of a data packet (value derived from the first header portion, col. 10 lines 5-7), generating a value associated with the source and destination nodes (col. 10 lines 5-7);

'287' claim 2 teaches creating a second header portion for the data packet including the value associated with the source and destination nodes (col. 10 lines 5-10)

'287' claim 2 teaches using the second header-portion, selecting one of a plurality of possible paths on a second network connected to the first subnetwork (col. 9 lines 65-66) for forwarding the packet (col. 10 lines 11-13).

Although '287' claim 2 teaches the steps of "using a first header portion" and "generating a value", the claim is silent on at the first node "using" and "generating", the first header portion indicating the first node as a source node and a second node as the destination node. However, it would have been obvious to one of ordinary skill in the art, to modify the system of '287' claim 2 by performing the steps at the first node / source node, since the packet is being routed from the source node. Furthermore, it would have been obvious to store in the first header portion the source node and the destination node of the packet since the packet is being routed from the source node to the destination node. This modification would benefit the system by informing nodes along the path of the destination node packet. In addition, the destination node will be informed of the origin of the packet.

Regarding claims 39, see '287' claim.3.

5. Claims 40-49 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6 and 10-18 respectively of U.S. Patent No. 6,643,287 '287' in view of '287' claim 2.

Although '287' claim 1 teaches the steps of "using a first header portion" and "generating a value", the claim is silent on at the first node "using" and "generating", the first header portion indicating the first node as-a source node and a second node as the destination node wherein the destination node is in a VPN network. However, it would have been obvious to one of ordinary skill in the art, to modify the system of '287' claim 1 by performing the steps at the first node / source node since the packet is being routed from the source node. Furthermore, it would have been obvious to store in the first header portion the source node and the destination node of the packet since the packet is being

routed from the source node to the destination node. This modification would benefit the system by informing nodes along the path of the destination node packet. In addition, the destination node will be informed of the origin of the packet.

‘287’ claim 1 is silent on the first node / source node, in a virtual private network.

Patent ‘287’ claim 2 teaches the first node in a virtual private network.

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of ‘287’ claim 19 by installing the first subnetwork on a virtual private network, as shown by Patent ‘287’ claim 2. Adhering to virtual private network standards can perform this modification. This modification would benefit the system since virtual private networks are prevalent in today’s networking environment.

6. Claims 50 and 51 are rejected on the ground of nontatutory obviousness-type double patenting as being unpatentable over claims 21 and 22 respectively of U.S. Patent No. 6,643,287 ‘287’. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding claim 50, Patent ‘287’ claim 21 teaches a first and a second node (source node on first subnetwork, destination node on first subnetwork, col. 10 lines 52-54) in a virtual private network (VPN) (first subnetwork is a virtual private network, col. 11 lines 4-5), each node coupled to a second network (first subnetwork being connected the second subnetwork, col. 10 lines 54-55) ; and a data packet (col. 10 line 50)

Patent ‘287’ claim 21 teaches generating, using a first header portion of the data packet, a value associated with the source node and the destination node (col. 10 lines 60-63), creates a second header portion for the data packet including the value generated from the first header portion (col. 10 lines 63-65), and using the second header portion selects one of a plurality of possible paths through the second network for routing the data packet to the second node / destination node, in the VPN (col. 10 lines 65-67, destination node on first subnetwork, col. 10 lines 52-54)

Although patent ‘287’ claim 21 is silent on the first node / source node, ‘generates’, it would have been obvious to one of ordinary skill in the art, to modify the

system of '287' by having the first node / source node, perform the step of generating since the apparatus performs the function of transferring a packet from the source node to the destination node on the first subnetwork and the first node / source node, must know which node to transfer the packet. This modification can be performed in software. This modification would benefit the system by informing the source node which node it should transfer the packet to.

Regarding claim 51, see '287' claim 22.

7. Claims 52-61 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 25 and 29-37 respectively of U.S. Patent No. 6,643,287 '287' in view of U.S. Patent No. 6,643,287 claim 21.

Regarding claims 52-61, although patent '287' claim 19 is silent on the first node / source node, 'generates', it would have been obvious to one of ordinary skill in the art, to modify the system of '287' by having the first node / source node, perform the step of generating since the apparatus performs the function of transferring a packet from the source node to the destination node on the first subnetwork and the first node / source node, must know which node to transfer the packet. This modification can be performed in software. This modification would benefit the system by informing the source node which node it should transfer the packet to.

Regarding claims 52-61, patent '287' claim 19 is silent on the first subnetwork is a virtual private network.

Patent '287' claim 21 Leaches the first subnetwork is a virtual private network.

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of '287' claim 19 by installing the first subnetwork on a virtual private network, as shown by Patent '287' claim 21. Adhering to virtual private network standards can perform this modification. This modification would benefit the system since virtual private networks are prevalent in today's networking environment.

Applicant's Response

Applicant herein files a Terminal disclaimer with the present response in compliance with 37 CFR 1.321 (c) in order to overcome the rejection.

Summary

The applicant therefore believes that claims 38-61 are patentable, and respectfully request reconsideration, and that the case be passed quickly to issue. If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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